

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

Comcast of Massachusetts III, Inc.)	Case No.: 1:05-cv-11838-NG
)	
Plaintiff,)	PLAINTIFF'S SECOND ASSENTED TO
)	MOTION TO EXTEND TIME TO MOVE
vs.)	FOR DEFAULT JUDGMENT
)	
Robert Harris)	
)	
Defendant)	
)	
)	

NOW COMES the Plaintiff in the above-captioned case, Comcast of Massachusetts III, Inc., and it respectfully Moves that this Court the deadline for the Plaintiff to move for Default Judgment to February 28, 2006.

As grounds, the Plaintiff states:

1. Plaintiff's Counsel has been in contact with Attorney William Dailey. Attorney Dailey is representing the interest of the Defendant but he has yet to file an appearance in this Action.
2. Plaintiff's Counsel and Attorney Dailey are in serious, substantive negotiations which could result in an amicable resolution to the Civil Action.
3. The Parties need additional time to pursue certain matters in these negotiations. This additional time is necessary because Attorney Dailey is out of the state and will not return to his office until February 20, 2006. Counsels for the Parties were not able to fully assess the case before Attorney Dailey had to leave on a trip.

Certification pursuant to LR D. Mass 7.1 (A) (2)

Plaintiff's Counsel certifies that he had contact with Attorney Dailey, who represents the Defendant and he fully assents to this motion.

4. The additional time could save the Parties considerable costs and/or expenses which could help in the ultimate resolution of the matter through negotiations.
5. The Defendant, through his Counsel, Attorney Dailey, assents to this Motion.

In further support of this Motion, see Affidavit of John M. McLaughlin

Respectfully Submitted for the Plaintiff,
By Its Attorney,

2/16/2006
Date

/s/ John M. McLaughlin
John M. McLaughlin
Green, Miles, Lipton & Fitz-Gibbon LLP
77 Pleasant Street
P.O. Box 210
Northampton, MA 01061-0210
Telephone: (413) 586-0865
BBO No. 556328

CERTIFICATE OF SERVICE

I, John M. McLaughlin, attorney for the Plaintiff, hereby certify that on the 16th day of February, 2006, a copy of the foregoing motion and affidavit were sent via electronic mail to

WDaileyJr@sloanewalsh.com

/s/ John M. McLaughlin
John M. McLaughlin, Esq.

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

Comcast of Massachusetts III, Inc.)	Case No.: 1:05-cv-11838-NG
)	
Plaintiff,)	AFFIDAVIT IN SUPPORT OF
)	PLAINTIFF'S SECOND ASSENTED TO
vs.)	MOTION TO EXTEND TIME TO MOVE
)	FOR DEFAULT JUDGMENT
Robert Harris)	
)	
Defendant)	
)	
)	

Now comes John M. McLaughlin, Attorney for the Plaintiff in the above-entitled action, and, on oath, states the following:

1. I am Counsel for the Plaintiff in this action.
2. I have recently been in contact with Attorney William Dailey of Boston, Massachusetts. Attorney Dailey has told me that he is representing the interest of the Defendant but he has yet to file an appearance in this Action.
3. Attorney Dailey and I are in serious, substantive negotiations which could result in an amicable resolution to the Civil Action.
4. The Parties need additional time to pursue certain matters in these negotiations.
5. This additional time is necessary because Attorney Dailey Attorney Dailey is out of the state and will not return to his office until February 20, 2006.
6. Attorney Dailey and I were not able to fully assess the case before Attorney Dailey had to leave.
7. The additional time could save the Parties considerable costs and/or expenses which could help in the ultimate resolution of the matter through negotiations.
8. The Defendant, through his Counsel, Attorney Dailey, assents to this motion.

Subscribed and sworn to, under the pains and penalties of perjury.

2/16/06
Date

/s/ John M. McLaughlin
John M. McLaughlin (BBO: 556328)